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THE
TRYAL
OF
Sir EDWARD MOSELEY.

Price Six Pence.

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Imprimatur,

GILBERT MABBOT.

Feb. 8. 1647.

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THE TRYAL OF Sir Edward Moseley, Bart.

Indicted at the King's-Bench-Bar,
for Committing a R A P E up-
on the Body of Mrs. ANNE
SWINNERTON: January 28.
1647.

To which are added,

The DEPOSITIONS against Mr. CLARK,
Pastor of a Presbyterian Congregation,
at Lambeth, for Committing Fornica-
tion with the Widow COLEMAN, of
the said Parish, Anno 1708.

L O N D O N,
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I O N D O N .

THE
TRYAL
OF
Sir Edward Moseley, Bar^t

This TRYAL was taken the 28th Day of January, in the 23d Year of King CHARLES, An. Dom. 1647. Before Mr. Justice BACON, and Mr. Justice ROLLES, in Hillary Term in Banco Regis.

SIR Edward Moseley, Baronet, Indicted for Felony and a Rape, committed upon the Body of one Anne Swinnerton, Wife to one Mr. Swinnerton a Gentleman of Gray's-Inn.

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First,

The TRYAL of

First, Sir Edward Moseley appear'd at the Bar and pleaded not Guilty; Secondly, Mr. Swinnerton and his Wife appear'd to give Evidence; Then the Court demanded of Mr. Swinnerton what Council he had ready to open the Indictment? Mr. Swinnerton answer'd, that there had been such tampering with him and his Witnesses to stop the Prosecution; that he could get no Lawyers to open his Wife's Case. The Court asked him whether he had spoken with any Lawyers to be of his Council, he said he had, but none would undertake it; only Mr. Cooke had promised him that he would open the Indictment for him, but he appears not; so that by the tampering of Sir Edward Moseley, Mr. Lowder, Mr. Winstanley, Mr. Blore, and Mr. Brownell, and twenty more, none would assist him in the maintaining of the Indictment.

These Gentlemen before named appeared in Court, and did not deny, but that they did use what means they could (in a fair way) to put up the Business betwixt

betwixt Sir *Edward Moseley* and Mistress *Swinnerton*, which they conceived they might lawfully do, believing it could not possibly be a Rape, having had Intelligence of some former Passages in it: Then the Court said, Mr. *Swinnerton*, if you had desired Council, the Court would have assigned you Council. Then Mr. *Swinnerton* proceeded with his Evidence, (saying) coming home to my Chamber about six of the Clock in April 1647, I found Sir *Edward Moseley* come rushing out of my Chamber, and I entring saw my Wife thrown upon the Ground, with all her Cloaths torn, and the Bed-Cloaths torn, and hanging half-way upon the Ground, my Wife crying and wringing her Hands, with her Cloaths all torn off her Head, and her Wrist sprained, Sir *Edward Moseley* having thrown her violently upon the Ground; whereupon (seeing her in this Condition) I asked her what was the Matter? She said, Sir *Edward Moseley* had Ravished her. Mr. *Swinnerton* farther informed the Court, that Sir *Edward Moseley* two or three Days

before he did the *Rape*, said, that he would ravish my Wife, though he were sure to be hang'd for it.

Then Mistress *Swinnerton* began her Evidence, saying, upon my Oath here I swear, that he said he would force me to my Bed; and then he swore God Damn him, he would Lye with me, though he were sure to die for it: Then he takes me and carries me to a narrow Place, betwixt the Wall of the Bed, and with his Hands forced my Hands behind me, and lay with me whether I would or no: Here Sir *Edward Moseley* interrupted her, saying, did not your Husband come to the Chamber Door at that time you pretended you were Ravish'd, and knock'd at the Door, and I would have opened the Door for him; whereupon you said it is my Husband, let the drunken Sot stay without; and would not suffer me to open the Door, and asked her whether she did not say so? She said it was false; then the Court demanded of Mr. *Swinnerton*, what he said to his Wife when he found her in this manner? Mr. *Swinner-*

Sir Edward Moseley, Bart. 5

on answered, I said, that if she were Ravish'd as she said she was, she must take her Oath of it, and indite him for it ; and if she did not, he would believe that she had play'd the Whore with him, and he would turn her off, and live no more with her, and she should be Sir Edward Moseley's Whore altogether, but (said he) being desirous to be farther satisfy'd in the Business, I often sought for Sir Edward Moseley, but could not find him, for he had fled away from his Chamber.

One Day I met him accidentally in Holborne, and desired to speak a word with him, he said he knew my Business, but he was in hast and could not stay ; Then I told him I had earnest Business with him, and I must speak with him ; he told me he suspected I had some Design to arrest him, and would not be perswaded to stay ; then I prest him, that if he would go a drink a Cup of Ale with me, he should come in no Danger concerning any Arrest at all ; and if he then would give me Satisfaction, I

B 3. would

would not prosecute the Law against him: The Court demanded of him what he meant by Satisfaction? Mr. Swinnerton answered, only to know what he could say to excuse himself; the Court said, why, would you believe him before your Wife? Mr. Swinnerton answered, my meaning was, if he could satisfy me that my Wife was consenting to it, I had rather wave the Prosecution, than bring my Wife and my self upon the Stage, and this was my Intent, and no other.

Then the Court asked Sir Edward Moseley, how Mr. Swinnerton's Wife came to have her Cloaths torn and ruffled in this manner (none but he and she being in the Room?) Sir Edward Moseley answer'd, she always went very ill favourably in her Apparel: Then the Court asked Mistress Swinnerton, whether there were any in the Room but Sir Edward and her self? she answered, a little before there was my Maid, but I had sent her to the Baker's House for Bread for my Children, and in the mean-

Sir Edward Moseley, Bart. 7

mean while he lay with me against my Will.

Then the Court asked the Maid what she could say? she said, when I came from the Baker's, and entring into the Chamber, I found my Mistress crying, and wringing her Hands, saying, she was undone: Also I heard Sir *Edward Moseley* say, before I went to the Baker's, that he would Lye with my Mistress though he were sure to be hang'd for it; and at all times he was wont to be very uncivil and rude when he came into the Chamber: Once he came into the Chamber when I was there alone, truly I durst not stay in the Chamber, for I always observed, he was so Lecherously given, that any Woman, were she never so mean, would serve his turn: At this time he came into the Chamber a little before I went to the Baker's, I observed he would fain have thrown my Mistress upon the Bed when I was there, but my Mistress would not yield to it, but grew very angry with him, and said he was a Rogue, and spit in his Face, yet he would

would not let her alone ; whereupon I told him, if he would not be more civil, I would call my Master, and if he came, he would crack his Crown for using my Mistress so uncivilly ; Sir *Edward Moseley* answer'd, he cared not a Fart for my Master, and that for me, I was a base Jade, and he would make me kiss his — What ? said the Court, but the Maid having some Modesty could not bring it out ; then said her Mistress, he said she should kiss something that was about him ? What was that ? said the Court again, Mr. *Swinerton* answered, he said he would make her kiss his Arse ; then the Court said to the Maid, you must not be so nice in speaking of the Truth, being upon your Oath. Mistress *Swinerton* said, then came Mr. *James Winstanley* to tamper with me from Sir *Edward Moseley*, and told me, if I pleas'd to accept of a hundred Pounds, I should have it, if I would be Reconciled to Sir *Edward Moseley* ; then the Maid said, my Mistress made this Answer, she cared not for Money : Mistress *Swinerton* said, it is true, I said so ; and

Sir Edward Moseley, Bart. 9

and this I said, if Sir *Edward Moseley* would down upon his Knees and confess that he had wronged me, I would not prosecute him; but also I resolved that he should wear a Paper upon his Breast, or upon his Hat, acknowledging the Injury he had done unto me; if he would do so, I would forgive him. Then said he, Mr. *Winstanley* desired to know where the Place was in the Room where I was Ravish'd; whereupon I shewed him. Mr. *Winstanley* answered, this is such a Place for such a Busines, that if I had the strongest Woman in *England*, I could ravish her here whether she would or no.

Then the Prosecutors for the King having ended their Evidence, the Court asked Sir *Edward Moseley* what he could say for himself? He said, he had many Witnesses, and desired that they might be examined what they could say in his behalf.

Then Mr. *Kilvert* was called in, who appeared: The Court said, Mr. *Kilvert*, tho' you be not upon your Oath, you must speak the Truth in the fear of God;

Mr. *Kil-*

Mr. *Kilvert* answered, I know it my Lord; what I shall say here, I speak it in the Presence of God, and I shall speak no more than what is Truth; *Mistress Swimmerter* seeing him, said, I hope no Body will believe what this Knave *Kilvert* will say, for he is a Knave known to all the Court, and all that hear him. Then Mr. *Kilvert* went on with his Evidence, saying, I thank God this is the second time I ever came into this Woman's Company; the first time, I was at the *Fleece*-Taverne in *Couent-Garden*, where she came to a Dinner to meet with Sir *Edward Moseley*: As soon as she had sat down at the Table, she said, that this Room had bin a very lucky Room to her; for once before in this Room, she had received three hundred Pounds for the Composition of a *Rape*, which she charged a Reverend Divine withal; I shall not stick to name the Man, she said it was Doctor *Balcanual*: This Doctor I knew him to be a reverend good Man, and to my Knowledge is long since dead, and I believe in Heaven; and for this *Rape*,

Sir Edward Moseley, Bart. 11

she said then, she would not take under
two thousand Pounds for a Composition
of Sir Edward Moseley, which she said
no was little enough, he having three thou-
sand Pounds a Year; Mistress Winnerton
on hearing of this, clap'd her Hands at
him, and said, he was a Knave, and a
Rascal, and all was false which he said.

Then the Court said to her, Mistress
Winnerton, you should carry your self
 soberly and moderately, otherwise you
 will disparage all your Witnesses. Then
 the Court asked her, whether she did
 meet at this Tavern (having affirmed be-
 fore, that she never was in Sir Edward
 Moseley's Company but in her own Cham-
 ber?) Whereupon she staggered at it a lit-
 tle, and was loath to confess it; at last
 she answered, that it was true, she was
 there, but this Rascal Kilvert had be-
 witch'd her to come thither. Mr. Kil-
 vert said farther, after she had sat a
 while at the Table, she takes her Stool
 and removes it to sit next to Sir Edward
 Moseley, and there falls a hugging and
 embracing him; whereupon said he, sure-
 ly

ly Lady, whereas you say Sir *Edward* hath ravish'd you, I do believe rather you have ravish'd him, otherwise you would not make so much of him; so Mr. *Kelvert* made an end of his Evidence.

Then Mr. *Wood* another Witness, said, he met Her at *Islington* in Sir *Edward Moseley's* Company; and there she confess'd to him, that Sir *Edward Moseley* had many times left the Key of his Chamber with her, to go to him when she pleas'd; and she said, she had often made use of it. Then said this Witness, after I had seriously look'd upon her, and perceiving her to be a Woman of great Strength of Body, I said, I wonderd Sir *Edward Moseley* should ravish her: She said, do you wonder at that? Why do you take me behind the Bed there, (there being a Bed in the Room) and see whether you may not do the same.

Another Witness said, that she had confess'd to him, that Sir *Edward Moseley* once lay with her by her Consent; afterwards she ask'd him, now what will you

you give my Maid, you must give her something ? He answered, I will give her four Shillings ; whereupon she said, Four Shillings, that's base, you cannot give her less than Ten Pounds and a Silk Petticoat ; but saith she, when he went out of Doors, the Maid said he gave her nothing but a Groat, and so basely went his way.

Another Witness said he heard her say, (that it being generally known that Sir Edward Moseley had ravish'd her,) she was like to lose many of her best Customers in Town.

Another Witness said, he heard Swinerton say, that if she would not take her Oath that she was ravish'd by him, she should never be aby Wife of his : Afterwards Mr. Whistley was called into the Court, he said, tis true he took me, and shew'd me the Place where she was Ravish'd. He wondring how Sir Edward being but a little Man, and she such a lusty Woman, should be Ravish'd by him ? Why said she, shoudl you wonder at that ? Then she put her Leg be-

14 The TRYAL OF

tween my Legs, and put out her other Leg, setting her Foot against the Wall, laying, now in this Posture as you see me here, I my self could ravish any Woman whatsoever.

Another Witness said, the Night before she went to prefer the Bill of Indictment against Sir Edward Moseley, she confess'd, she had like to have been distract, and run Mad, for fear the Grand Jury should find the Bill.

Two other Witnesses affirmed upon their Credit; whereas it was said by Mr. Swinnerton and his Wife, (both rigid Presbyterians) that Sir Edward Moseley fled from his Chamber immediately after the Act was done, they said, they had daily Recourse to his Chamber, and walk'd to, and fro, with him, sometimes in Gray's-Inn Walks, sometimes to Westminster, and to other Places in the Town for six Weeks together after this pretended Rape; and many times they saw Mistress Swinnerton stand at her own Door looking upon him, as he pass'd by (which was but six and

Sir Edward Moseley, Bart. 15

(steps from Sir Edward's Chamber-Door)
and never questioned about it; but of-
times (they said) seeing her stand
watching there, they feared she would
o up to him, and tempt him to Wick-
ness.

Then Evidence being given on both
sides, the Jury went from the Bar and
returned, and gave their Verdict, That
Sir Edward Moseley was not Guilty. Then
the Court said, Sir Edward Moseley, take
upon you what Company you keep hereafter;
Let this be a warning to you, you see
into what Danger you bring your self
by keeping ill Company.

Sir Edward Molyneux, Bart. 12

to Miss Damer son Miss Bonelli
and Miss Cibber son Miss Belcher
as Comptess of Warwick, Sir Edward Molyneux, like
a French actress was not guilty. I paid
Lyon, my base upon Acrely. I paid
less than half what the Duke had
left him. I have given him no post
but I have done him no wrong
and have (which is true) received his money
signing thereat before the said
quod propter me debet pium to Warwick.

• DEBO C. 12

THE
C A S E
OF
Mr. CLARK
AND THE
Widow COLEMAN.

THE
CAGE
TO
MCCLARK
AND THE
Widow COLEMAN

CASE

Quality Control Unit

Mr. CLARK

AND THE

Widow COLEMAN.

and the Dilectioine Period and the
last three Tawangs were deposed.

Depositions against Mr. CLARK.

Notes of the Parish of Llanidloes

Jane Leafe of the Parish of Lambeth,
in the County of Surrey, Potmaker,
maketh Oath; that on Friday the 28th
of May, about ten of the a Clock at
Night, being in her Chamber in her

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own House, and she having a Prospect into the Widow *Coleman's* House, she saw *Clark* the Dissenting Parson with the said Widow *Coleman* in a Rude and Disorderly Manner, which gave her Reason to suspect, they were Lewd together.

Jane Leaf.

Jurat. Coram me

1 Die June

A. D. 1708. Jam. Plume.

John Leaf, and Jane his Wife, and Anne Henderson, of the said Parish of Lambeth, do personally make Oath, that having some Reason to suspect there was some Lewdness acted between *Clark* the Dissenting Parson, and the Widow *Coleman*, in whose House he Lodges; they all went into Leaf's upper Chamber, and looking out of the Window, they saw the Widow *Coleman* come into his Chamber, and sat the Candle upon the Table, and sat her self down upon the Bed; the said *Clark* came and sat himself down by her, and embrac'd

The Case of Mr. Clark, &c. 21

ospect
e, she
th the
d Dis-
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afet
rac'd her, and kiss'd her several times;
nd after some time undress'd himself
o his Shirt, and she the same unto her
hirt; and then he took her in his Arms
nd laid her down in the Bed, and went
himself into Bed after her, and then the
Candle by one of them was put out.

Jurat. Corrum me

J. Leaf.

I Die June 1708.

Jane Leaf.

Jam. Plume.

Anne Henderson

On Bagshaw of Lambeth Potmaker,
John Leaf, and Jane his Wife, and
Henderson of the said Parish, severally
make Oath; that Sunday being the 30th
of May, about eleven at Night they be-
ing all together in Mr. Leaf's Room,
they saw Clark the Dissenting Parson,
and the Widow Coleman, come into his
lodging-Room in her House, and he
the said Clark set the Candle upon the
Table, and she came to the Window
and drew the Curtains a little closer, and
then she turned her Face towards him,
then he took her and embraced her, and
kiss'd

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kiss'd her several times; and he took a little Bottle in his Hands, and drank to her, and she pledged him; and then he began to pluck out her Pins, and so undress'd her, and then sat down upon the Bed together, and after some time got up again, she being in her Shift, he took her in his Arms, laid her in the Bed, and then turning himself towards the Window and undress'd himself, and went to Bed to her, and left the Candle burning on the Table.

*Jurat. Coram me
1 Die June 1708.
James Plume.*

*J. Bagshaw.
J. Leaf.
Jane Leaf.
Anne Henderson.*

J U N E I.

*J*ohn Skinner of the Parish of Lambeth one of the Church-Wardens of the said Parish, and John Leaf of the said Parish declare upon their several Oaths that upon Tuesday the 1st of June about ten a Clock at Night, they saw Clark

The Case of Mr. Clark, &c. 23

the Dissenting Parson and the Widow
oleman, come into Clark's Lodging-
oom together in her own House, and
e set the Candle upon the Table, and
e sat her self down by the side of the
ed, and then he flung her Morning-
own open, and shut the Casement, and
rew the Window-Curtain a little, and
en turn'd himself to her, and took his
ight-Cap and put on, and then sat
own upon the Bed-Side by her, and
oth were out of Sight for a little time;
and then he got up and pulled his Gown
off and laid it by, and they both stood
in their Shifts; and then he took her
in his Arms and laid her down in the
ed, and moved the Candle and Win-
ow-Curtain a little, and went to Bed
her.

urat. Coram me

1 Die June.

Jam. Plume.

J. Skinner.

J. Leafe.

John

John Bagshaw aforesaid maketh Oath, that on Thursday the 3d of this Instant June, being charged by one of the Headborough's of the said Parish to assist him, and go along with him to serve a Warrant on Mr. William Clark the Dissenting Parson; and going to the Widow Coleman's House where he Lodg'd, to ask the Widow Coleman for Mr. Clark she made Answer he was in Bed; then the said Headborough and my self went up Stairs to his Chamber, and he shut the Door against us; that the Headborough said he would break it open if he would not open it; so with many Perswasions he opened the Door, and then entring the Room, we found the Widow Coleman's Shoes and Stockings by the Bed Side, and her Apron in a Chair in the same Room, and looking into the Bed, there was an Impression of two People's Heads lying on the two Pillows,

and

The Case of Mr. Clark, &c. 25

and then went up Stairs into the Garret, and found a little Child in a Bed by it self, and no Impression of any Body else that had laid in the same Bed.

John Bagshaw.

Jurat. 3^o Dei Junii

Coram me

Jam. Plume.

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